

# The Gazette of India

## EXTRAORDINARY PART II—Section 1 PUBLISHED BY AUTHORITY

---

No 45] NEW DELHI, MONDAY, SEPTEMBER 24, 1962/ASVINA 2, 1884

---

### MINISTRY OF LAW

(Legislative Department)

*New Delhi, the 24th September 1962/Asvina 2, 1884 (Saka)*

### THE ANDAMAN AND NICOBAR ISLANDS DRAMATIC PERFORMANCES REGULATION, 1962

No. 10 OF 1962

Promulgated by the President in the Thirteenth Year of the  
Republic of India.

A Regulation to provide for the control of public dramatic  
performances in the Union territory of Andaman and  
Nicobar Islands.

In exercise of the powers conferred by clause (1) of article 240  
of the Constitution, the President is pleased to promulgate the  
following Regulation made by him:—

1. (1) This Regulation may be called the Andaman and Nicobar  
Islands Dramatic Performances Regulation, 1962.

Short title,  
extent and  
commence-  
ment.

(2) It extends to the whole of the Union territory of the Andaman  
and Nicobar Islands.

(3) It shall come into force at once.

2. In this Regulation, unless the context otherwise requires,—

Definitions.

(1) "objectionable performance" means any play, pantomime  
or other drama—

(a) which is likely to—

(i) incite any person to resort to violence or sabotage  
for the purpose of overthrowing or undermining the

Government established by law in India or in any State thereof or its authority in any area; or

(ii) incite any person to commit murder, sabotage or any offence involving violence; or

(iii) seduce any member of any of the armed forces of the Union or of the police forces from his allegiance or his duty, or prejudice the recruiting of persons to serve in any such force or prejudice the discipline of any such force; or

(iv) incite any section of the citizens of India to acts of violence against any other section of the citizens of India; or

(b) which—

(i) is deliberately intended to outrage the religious feelings of any class of the citizens of India by insulting or blaspheming or profaning the religion or the religious beliefs of that class; or

(ii) is grossly indecent, or is scurrilous or obscene or intended for blackmail.

*Explanation I.*—A performance shall not be deemed to be objectionable merely because in the course thereof words are uttered, or signs or visible representations are made, expressing disapprobation or criticism of any law or of any policy or administrative action of the Government with a view to obtain its alteration or redress by lawful means.

*Explanation II.*—In judging whether any performance is an objectionable performance, the play, pantomime or other drama shall be considered as a whole.

(2) "public place" means any building or enclosure, or any place in the open air and any pandal where the sides are not enclosed to which the public are admitted to witness a performance.

Power to  
prohibit  
objection-  
able perfor-  
mances.

3. (1) Whenever the Chief Commissioner is satisfied that any play, pantomime or other drama performed or about to be performed in a public place is an objectionable performance, he may by order stating the grounds on which he considers the performance objectionable prohibit the performance.

(2) No order under sub-section (1) shall be passed without giving a reasonable opportunity to the organizer or other principal persons responsible for the conduct of the performance or to the owner or occupier of the public place in which such performance is intended to take place to show cause why the performance should not be prohibited.

(3) Every order made under sub-section (1) shall be published in the Official Gazette.

(4) Any order made under sub-section (1) may also be notified by proclamation and a written or printed notice thereof may be affixed at any place or places adopted for giving information of the order to the persons intending to take part in the performance so prohibited.

4. (1) The Deputy Commissioner may, if he is of opinion that any play, pantomime or other drama performed or about to be performed, being of the nature specified in section 2, is likely to lead to a breach of the peace, by order stating the grounds for such opinion, prohibit its performance. Power to prohibit objectionable performances temporarily.

Provided that the Deputy Commissioner may review any order made under this sub-section on an application made by the person or party affected by such order.

(2) Subject to any order made by the Court on appeal under section 10, an order under this section shall remain in force for two months from the making thereof:

Provided that the Deputy Commissioner may, if he is of opinion that the order should continue in force, by such further order or orders as he may deem fit, extend the period aforesaid by such further period or periods not exceeding two months at a time as may be specified in such order or orders.

5. A copy of the order made under sub-section (1) of section 3 or under sub-section (1) or sub-section (2) of section 4, may be served personally or in such other manner as may be prescribed by rules made under section 13, on the organizers or other principal persons responsible for the conduct of, or any person about to take part in, the performance so prohibited or on the owner or occupier of the public place, in which such performance is intended to take place. Service of order of prohibition.

6. Any person on whom a copy of the order referred to in section 3 or section 4 is served and who does, or willingly permits, any act in disobedience of such order, shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees, or with both. Penalty for disobeying order.

7. (1) Any person who, after the publication of an order under sub-section (3) of section 3, or during the period when an order made under sub-section (1) or sub-section (2) of section 4, is in force organizes or is responsible for the conduct of, or who with the knowledge that such an order under section 3 or section 4 is in force takes part in, the performance prohibited thereby or any performance substantially the same as the performance so prohibited, shall, on conviction be punished with imprisonment for a term Penalty for disobeying prohibition

which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

(2) Any person who being the owner or occupier, or having the use of any public place, opens, keeps or uses the same for any performance prohibited under section 3 or section 4, or permits the same to be opened, kept or used for any such performance, shall on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

Power to  
call for in-  
formation.

8. (1) For the purpose of ascertaining the character of any intended play, pantomime or other drama, the Chief Commissioner or such officer as he may empower in this behalf, may, by order, require the organizers or other principal persons responsible for the conduct of, or other persons about to take part in, such play, pantomime or other drama or the author, proprietor or printer of the play, pantomime or other drama about to be performed, or the owner or occupier of the place in which it is intended to be performed, to furnish such information as the Chief Commissioner or such officer may think necessary.

(2) Every person so required shall be bound to furnish the information to the best of his ability within the time specified in such order and in case of contravention shall be deemed to have committed an offence under section 176 of the Indian Penal Code, 1860.

45 of 1860.

Power to  
call for copy  
or purport  
of drama,  
etc.

9. (1) If the Chief Commissioner or Deputy Commissioner has reason to believe that an objectionable dramatic performance is about to take place, he may, by order, direct that no such dramatic performance shall take place in any public place within any area, unless a copy of the piece, if and so far as it is written, or some sufficient account of its purport, if and so far as it is in pantomime, has been furnished, not less than seven days before the performance, to the Chief Commissioner or the Deputy Commissioner, as the case may be.

(2) A copy of any order made under sub-section (1) may be served on the owner or occupier of the public place in which such performance is intended to take place, and if thereafter he does or willingly permits, any act in disobedience of such order, he shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

Appeal to  
High Court.

10. (1) Any person aggrieved by an order under sub-section (1) of section 3, or under sub-section (1) or sub-section (2) of sec-

tion 4 may, within sixty days of the publication of such order under sub-section (3) of section 3 or, as the case may be, within sixty days of the date on which an order under sub-section (1) or sub-section (2) of section 4, is made, prefer an appeal to the High Court and upon such appeal, the High Court may pass such orders as it deems fit confirming, varying or reversing the order appealed from, and may pass such consequential or incidental orders as may be necessary.

(2) Every such appeal shall be heard by a Bench of not less than two Judges.

45 of 1860. 11. Where no order under section 3 or section 4 has been made in respect of any performance, nothing in this Regulation shall bar a prosecution under the Indian Penal Code, 1860 or any other law. Saving of prosecutions under other laws.

12. No suit, prosecution or other legal proceeding shall be instituted against any authority or officer for anything which is in good faith done or intended to be done under this Regulation or any rule made thereunder. Protection for acts done in good faith.

13. The Chief Commissioner may, by notification in the Official Gazette, make rules to carry out the purposes of this Regulation. Power to make rules.

14. The Dramatic Performances Act, 1876, in so far as it applies to the Union territory of the Andaman and Nicobar Islands is hereby repealed. Repeal of Act 19 of 1876.

S. RADHAKRISHNAN,  
*President.*

---

R. C. S. SARKAR,  
*Secy. to the Govt. of India.*

